



Barbados

Country Reports on Human Rights Practices - [2007](#)

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Barbados is a parliamentary democracy with a population of approximately 278,000. In the 2003 elections, which were considered generally free and fair, citizens returned the Barbados Labour Party (BLP) to a third successive term in office over the opposition Democratic Labour Party (DLP). The civilian authorities generally maintained effective control of the security forces.

Although the government generally respected the human rights of its citizens, problems included excessive use of force by police, poor prison conditions, and societal violence against women and children.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

The June 2006 case in which police shot and killed an unidentified man who allegedly stabbed a police officer was before a coroner's court at year's end. Authorities were still investigating an August 2006 incident in which police returned fire after being shot at while intercepting a suspicious vehicle, killing one unidentified man and injuring two others. A coroner's enquiry into the death of Kevin Ellis, whom police shot and killed in October 2006, after a confrontation with officers, was set for early 2008.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

While the constitution specifically prohibits torture and inhuman or degrading punishment or other treatment, there were reports that police sometimes used excessive force. The majority of complaints against the police alleged unprofessional conduct and beating or assault. Police were occasionally accused of beating suspects to obtain confessions, and suspects often recanted their confessions during their trial. There were many cases where the only evidence against the accused was a confession.

Prison and Detention Center Conditions

Prison conditions remained very poor for most of the year. Until November, prisoners were held in a temporary prison facility constructed at Harrison Point after the 2005 riots destroyed Glendairy Prison. In November 1,084 prisoners were transferred to a new permanent prison, designed to meet modern international standards and with a capacity of approximately 1,250 prisoners.

Conditions and services at the temporary prison were inadequate. Press reports included complaints by prisoners and their families about poor conditions, including unsanitary cells, inedible food, and unclean drinking water. For two years, family

members were denied the opportunity to visit or communicate with their relatives in prison, other than via video or audio connection. Attorneys also complained that they were denied access to their clients held at Harrison Point. The superintendent of prisons responded that the emergency situation necessitated temporary restrictions on visits but that attorneys were allowed to visit prisoners.

In March 2006 the authorities and parliament created a Commission of Inquiry to investigate the Glendairy Prison fire. The commission issued notices of allegations of misconduct to a number of prison officers, requiring them to account for their actions prior to, during, or immediately after the fire. The commission conducted special hearings, which included testimony from the superintendent of prisons, that confirmed widespread crime within the prison, but also the frustrations and mistakes of prison employees who claimed to have been constrained by the lack of resources and support. In June 2006 the commission charged 26 inmates with arson. Where evidence was conclusive, inmates received extended sentences. There were no charges brought against prison guards.

While the government normally permitted prison visits by independent human rights monitors, no such visits were known to have taken place during the year at the Harrison Point facility.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and imprisonment, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Royal Barbados Police Force (RBPF) numbered 1,427--including 974 special constables--and is responsible for internal law enforcement. While still a male-dominated profession, the number of female recruits increased to 247. The small Barbados Defence Force (BDF) protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific need. The RBPF reports to the minister of home affairs, and the BDF reports to the minister of defense and security. Although the police largely were unarmed, special RBPF foot patrols in high crime areas carried firearms. An armed special rapid response unit continued to operate. The law provides that the police can request the BDF to assist them as needed with special joint patrols.

The Office of Professional Responsibility (OPR), headed by a superintendent, handled complaints of inappropriate police conduct. During the year the OPR received 49 reports of police brutality, closed 10 of them, and was still investigating the other 39 cases. The government appointed a new chairman for the independent Police Complaints Authority, which had been inactive since its former chairman resigned in 2005.

Arrest and Detention

Police are authorized to arrest persons suspected of criminal activity; a warrant is typically required. The constitution permits detainees to be held without charge for up to five days; however, once charged, detainees must be brought before a court without unnecessary delay. There is a functioning bail system. Criminal detainees were given prompt access to counsel and were advised of that right immediately after arrest. Access to family members generally was permitted; however, some families complained that they did not receive regular access at the temporary facility in Harrison Point. Authorities confirmed this, asserting that the location and security provisions at the temporary facility limited accessibility.

Police procedures provide that, except when expressly permitted by a senior divisional officer to do otherwise, the police may question suspects, and other persons they hold, only at a police station. An officer must visit detainees at least once every three hours to inquire about the detainees' condition. After 24 hours the detaining authority must submit a written report to the deputy commissioner. The authorities must approve and record all movements of detainees between stations.

There was no information available about the number of detainees in pretrial detention during the year.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice.

The judiciary includes the courts of first instance, or magistrate's courts, and the Supreme Court of Judicature, which consists of the High Court and the Court of Appeals. The Caribbean Court of Justice is the final court of appeal.

Trial Procedures

The constitution provides that persons charged with criminal offenses be given a fair public hearing without unnecessary delay by an independent and impartial court. Although the government generally respected this right in practice, some accused persons spent years in prison awaiting trial. Defendants have the right to be present and to consult with an

attorney in a timely manner. The government provided free legal aid to the indigent in family matters, child support, serious criminal cases such as rape or murder, and all cases involving minors. Defendants are allowed to confront and question witnesses and present evidence on their own behalf. Defendants and their attorneys have access to government-held evidence relevant to their case. Defendants are presumed innocent until proven guilty and have the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Magistrates' courts have both civil and criminal jurisdiction, but the civil judicial system experienced heavy backlogs. Citizens can seek redress for human rights or other abuses through the civil system.

f. Arbitrary Interference with Privacy, Family, Home, or

Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The government restricted the receipt and importation of foreign publications deemed to be pornographic.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community was very small.

For more detailed information, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and

repatriation, and the government generally respected these rights in practice.

The law prohibits forced exile, and it was not used.

Protection of Refugees

The laws do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government did not grant refugee status or asylum during the year.

Although no known cases occurred, the government was prepared to cooperate with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

In the 2003 elections, the BLP, led by Prime Minister Owen Arthur, won its third parliamentary election, returning to office with 23 seats, compared with seven for the DLP.

There were no restrictions on the political opposition. Individuals and parties were free to declare their candidacy and stand for election.

Approximately one-third of cabinet members were women, including the deputy prime minister, who served concurrently as the minister of economic affairs and development. There were four women and no minorities in the 30-seat House of Assembly. There were seven women and three minorities in the 21-member Senate.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There was one report of alleged corruption involving a government-funded housing development program overseen by a junior minister. Although the opposition party uncovered the alleged corruption and called for an independent investigation, the ruling party did not officially dispute the incident and also called for an investigation. The public perception of corruption in government was somewhat elevated since this case came into light.

There was no law that subjects public officials to financial disclosure. Parliament's Public Accounts Committee and the auditor general conduct investigations of all government public accounts, which include ministries, departments, and statutory bodies.

There was no law providing citizens access to information held by the government. While access to information was provided on government Web sites, responses to requests for specific government information by citizens and other interested parties often were slow.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal treatment regardless of race, origin, political opinion, color, creed, or sex, and the government effectively enforced these provisions.

Women

The law prohibits rape, including spousal rape, and the maximum penalty for it is life imprisonment. There were legal protections against spousal rape for women holding a court-issued divorce decree, separation order, or nonmolestation order. At year's end the RBPF reported 63 rapes, seven assaults with intent to rape, and 30 cases of sex with a minor.

Violence and abuse against women continued to be significant social problems. The law prohibits domestic violence, provides protection to all members of the family, including men and children, and applies equally to marriages and to common-law relationships. Penalties depend on the severity of the charges and range from a fine for first-time offenders (unless the injury is serious) up to the death penalty for a killing. Victims may request restraining orders, which the courts often issued. The courts can sentence an offender to jail for breaching such an order. The police have a victim support unit, made up of civilian volunteers, which offered assistance primarily to female victims of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club operated a crisis center staffed by trained counselors and provided legal and medical referral services. The government funded one shelter for battered women, operated by nongovernmental organizations (NGOs), which accommodated up to 20 women and children. The shelter offered the services of trained psychological counselors to victims of domestic violence.

The Bureau of Gender Affairs cited a lack of specific information and an appropriate mechanism for collecting and evaluating data on incidents of domestic violence as the major impediments to tackling gender-based violence.

Prostitution is illegal, but it remained a problem, fueled by poverty and tourism. The media reported on prostitution, usually in the context of its role in the Cricket World Cup in March and concern over HIV/AIDS. There is no statute specifically prohibiting sexual tourism and no statistics on it, but anecdotal evidence suggested that it occurred.

The law does not deal with sexual harassment, and sexual harassment in the workplace was a problem, but no statistics were available. Media reports often indicated that women were afraid to report sexual harassment because they feared retribution in the workplace. An NGO advocacy group called the Coalition on Sexual Harassment, together with the Department of Labor, among others, developed draft legislation on this issue, but it remained under negotiation at year's end.

The Office of Gender Affairs in the Ministry of Social Transformation worked to ensure the rights of women. Women have equal property rights, including in a divorce settlement. Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors. A Poverty Eradication Fund focused on encouraging entrepreneurial activities to increase employment for women and youth. The government reported that the number of women hired by the police force, as well as for other jobs traditionally held by men, continued to increase.

Children

The government was committed to children's human rights and welfare, although violence and abuse against children remained serious problems.

Education was free, compulsory, and universal until the age of 16. The government estimated that 98 percent of children between the ages of five and 16 attended school. The highest educational level achieved by most children was secondary school.

The National Health Insurance Scheme provided children with free medical and dental services for most medical conditions.

The Child Care Board has a mandate for the care and protection of children, which involved investigating day care centers and cases of child abuse or child labor and providing counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family-related issues, and the Child Care Board conducted counseling for child abuse victims.

Trafficking in Persons

The constitution and laws do not specifically prohibit trafficking in persons, although laws against slavery, forced labor, or other crimes could be applied. There were reports that persons were trafficked to the country.

A 2005 assessment by the International Organization for Migration (IOM) stated that persons were trafficked both to work as prostitutes and as domestic workers. Persons also reportedly were trafficked to work in the construction and garment industries, where they were subject to low wages and false contracts.

In March regional security forces dismantled a human trafficking ring destined for Barbados, which involved victims of

human trafficking as young as 13 and 14 years old. The Royal Canadian Mounted Police senior liaison officer for the region confirmed that the principal organizers of the ring were from Barbados and Guyana while the number of the girls originated from China and Russia, as well as from throughout the region.

Authorities prosecuted two trafficking-related cases. In January a court acquitted racecar driver Geoffrey Ulyett of 2006 charges of aiding and abetting prostitution. The government had deported immediately the two Ukrainians allegedly involved in prostitution, and other key witnesses were no longer in the country.

In March a court convicted an India-based construction company for trafficking foreign nationals and fined the firm \$1,000 (BDS\$2,000). In May 2006 authorities had filed criminal charges against the firm when illegal workers protested their working conditions; the government immediately deported the workers.

Although prostitution is illegal, a number of brothels with women from Guyana, the Dominican Republic, and other Caribbean islands operated in the country. The police and immigration officers periodically raided brothels and deported women found working illegally. There were anecdotal reports of government officials involved in labor and sex trafficking.

The IOM noted that in cases where trafficking may have occurred, the government typically deported the victims and failed to investigate or prosecute the alleged traffickers. The government has no dedicated facilities to assist victims and does not provide funding to antitrafficking NGOs.

During the year the Immigration Department deported a total of 258 persons for unspecified immigration violations, the majority of whom were from Guyana (129), followed by Jamaica (67), and Saint Vincent and the Grenadines (24). Trafficking victims were often treated as criminals and deported after being held only temporarily for questioning.

The Office of Gender Affairs organized public forums to raise awareness of trafficking in persons.

Persons with Disabilities

There are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services, other than constitutional provisions asserting equality for all. In practice persons with disabilities faced some discrimination. The Ministry of Social Transformation operated a Disabilities Unit to address the concerns of persons with disabilities, but parents complained of added fees and transport difficulties for children with disabilities at public schools.

While there is no legislation mandating provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings had ramps, reserved parking, and special sanitary facilities for such persons.

The government's National Disabilities Unit conducted numerous programs for persons with disabilities during the year, including Call-a-Ride and Dial-a-Ride public transportation programs, sensitization workshops for public transportation operators, inspections of public transportation vehicles, sign language education programs, integrated summer camps, and accessibility programs.

Other Societal Abuses and Discrimination

The law criminalizes consensual homosexual relations, and there are no laws that prohibit discrimination against a person on the basis of sexual orientation in employment, housing, education, or health care. In March the UN Human Rights Committee expressed its concern over discrimination against homosexuals in the country. Although no statistics were available, anecdotal evidence suggested that societal discrimination against homosexuals occurred. In September the chief of prisons admitted that some homosexual prisoners had been placed in special security cells but were still beaten by other inmates for being homosexual.

The government began programs designed to discourage discrimination against HIV/AIDS-infected persons and others living with them. In December the International Labor Organization (ILO) completed a three-year program to reduce risk behavior among targeted workers and to reduce employment-related discrimination among persons with HIV/AIDS. Seven enterprises adopted workplace policies, and stakeholders met to discuss developing a national strategic plan on HIV/AIDS. The stakeholders, including the ILO, agreed in late November on a transitional sustainability program to allow the program to continue. The business community, labor unions, and the national AIDS commission worked together to form the AIDS alliance, which is developing private sector initiatives to combat HIV/AIDS discrimination in society and the work place.

Section 6 Worker Rights

a. The Right of Association

Workers freely exercised their right to form and belong to trade unions. Approximately 25 to 30 percent of the 120,000-person workforce was unionized; unionized workers were concentrated in key sectors such as transportation, government, and agriculture. There were two major unions, one in the public sector and the other focused on the private sector; with no competition between them, the unions wielded significant influence.

Although employers were under no legal obligation to recognize unions under the law, most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. While there is no specific law that prohibits discrimination against union activity, the courts provide a method of redress for employees who allege wrongful dismissal. The courts commonly awarded monetary compensation but rarely ordered reemployment.

b. The Right to Organize and Bargain Collectively

Workers exercised the legal right to organize and bargain collectively. Since 1993 a series of negotiated protocols contained provisions for increases in basic wages and increases based on productivity. Government, private sector, and labor representatives signed a fifth such protocol in May 2005.

There are no export processing zones.

The law provides for the right to strike, and workers exercised this right in practice. All private and public sector employees are permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law provides for a minimum working age of 16, and this provision generally was observed in practice. Compulsory primary and secondary education policies reinforced minimum age requirements. The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers.

e. Acceptable Conditions of Work

The law provides for and the authorities established minimum wage rates for specified categories of workers. The categories of workers with a formally regulated minimum wage are household domestics and shop assistants. The minimum wage for these employees was \$2.50 (BDS\$5) per hour, which was only marginally sufficient to provide a decent standard of living for a worker and family. The Ministry of Labor and Social Security recommended that companies use this as the de facto minimum wage, and most employees earned more than the minimum wage. The Labor Department within that ministry was charged with enforcing the minimum wage. There were occasional press reports alleging that migrant workers received less than the minimum wage.

The standard legal workweek is 40 hours in five days, and the law requires overtime payment for hours worked in excess. The law prescribes that all overtime must be voluntary.

Parliament passed core regulations to implement the 2005 Occupational Safety and Health at Work Act, but the government had not implemented them by year's end. The Labor Department enforced other health and safety standards and followed up to ensure that management corrected problems cited. The law requires that in certain sectors firms employing more than 50 workers create a safety committee that could challenge the decisions of management concerning the occupational safety and health environment. Trade union monitors identified safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Labor Department's Inspections Unit conducted several routine annual inspections of government-operated corporations and manufacturing plants. Workers had the right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

